THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5139 of 2006

Dt.20.3.2006

Between:

K.Hemalatha and others

… Petitioners

And

The Government of A.P., rep. By its

Secretary, Revenue Department,

Secretariat, Hyderabad and others.

…Respondents

ORDER:

Petitioners question the action of the 5th respondent herein in evicting and illegal dismantling of the petitioners from their possession and enjoyment of petitioners of the Association from their respective house sites in an extent of 80 sq.yards each patta land Plot Nos.368, 261, 681, 603, 118 and 241 in Sy.No.57 of Shamshiguda Village, Kukatpally Municipality, Balanagar Mandal, Ranga Reddy District,

without issuing any prior notice or order as illegal and arbitrary.

The case of the petitioners is that house site pattas to an extent of 80 sq.yards in favour of each of the petitioner bearing Plot Nos.368, 261, 681, 603, 118 and 241 in Sy.No.57 of Shamshiguda Village , Kukatpally Municipality, Balanagar Mandal, Ranga Reddy, were assigned by the Revenue Divisional Officer, Chevella Division vide orders in proceedings No.D/5838/84 as per lay out proceedings No.B/3202/92. It is stated that the petitioners have been in continuous possession and they have not violated any terms and conditions of the assignment. It is stated that if the petitioners have violated any of the terms and conditions of the assignment order or the provisions of the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977, it is always open for the respondents to issue notice and take appropriate action. But without following the due procedure prescribed under law, the respondents are threatening to dispossess the petitioners. It is further stated that Mahatma Gandhi Huts Development Association earlier filed W.P.23583 of 1998, which has been dismissed by this Court as premature on the ground that the Government neither cancelled the pattas nor interfered with the possession of the petitioners.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

I am not inclined to express any opinion whether the respondents are taking any coercive steps without following the principles of natural justice. Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners without following the due process of law.

The writ petition is accordingly disposed of. No order as to costs.

V.ESWARAIAH, J.

20.3.2006

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